

CIVIL COMPLAINT FORM TO BE USED BY A PRO SE PRISONER

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIAShawn Simms JP4037

Full Name of Plaintiff

Inmate Number

v.

Civil No. _____

(to be filled in by the Clerk's Office)

Secretary of the D.O.C., John Vetzal

Name of Defendant 1

☒ Demand for Jury Trial☐ No Jury Trial DemandSuperintendent, Mark Gorman

Name of Defendant 2

Security Captain, R. Vance

Name of Defendant 3

Sgt. Roberts

Name of Defendant 4

Unit Manager, S. Pasquale

Name of Defendant 5

et al

(Print the names of all defendants. If the names of all defendants do not fit in this space, you may attach additional pages. Do not include addresses in this section).

FILED
SCRANTON

AUG 10 2020

PER [Signature]
DEPUTY CLERK

I. NATURE OF COMPLAINT

Indicate below the federal legal basis for your claim, if known.

☒ Civil Rights Action under 42 U.S.C. § 1983 (state, county, or municipal defendants)☐ Civil Rights Action under Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971) (federal defendants)☐ Negligence Action under the Federal Tort Claims Act (FTCA), 28 U.S.C. § 1346, against the United States

Defendants continued

- 6 Deputy Superintendent of Centralized services, Morris, L. Hauser
- 7 Sgt. Drexler
- 8 Head of Activities, John Doe
- 9 Acting Safety Manager, D. Breese
- 10 Chief Grievance officer, Keri Moore
- 11 Unknown Number of Unknown Correctional Officers
- 12 Major of Unit Management, Major H. Haldeman
- 13 Unknown Employees of the Bureau of Health Care Services
- 14 CHCA, Richard Eilers
- 15 Dr. Dancho
- 16 Unknown Security Lt.
- 17 Two Unknown Shut-down Officers
- 18 Grievance Coordinator, N. Paul
- 19 Lt. R. Potts
- 20 Unknown Medical Staff member of Rockview
- 21 EDS, Tabb Bickle
- 22 PA, Ethan Ernst
- 23 Medical Director, Dr. Preston
- 24 Unknown Mailroom Employee
- 25 Mailroom Supervisor, S. Boone
- 26 Correctional officer Cummings
- 27 Correctional officer Pollock
- 28 Correctional Officer Showers
- 29 Lt. Rutherford
- 30 Timothy Miller
- 31 C. Byerlee
^{et al.}
 "Under color of State law"
 Individually and in their Official capacity

II. ADDRESSES AND INFORMATION

A. PLAINTIFF

Simms ~~Mr~~ Shawn M

Name (Last, First, MI)

JP4037

Inmate Number

S.C.I. Rockview

Place of Confinement

Box A

Address

Bellefonte, PA. 16823.

City, County, State, Zip Code

Indicate whether you are a prisoner or other confined person as follows:

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner

B. DEFENDANT(S)

Provide the information below for each defendant. Attach additional pages if needed.

Make sure that the defendant(s) listed below are identical to those contained in the caption. If incorrect information is provided, it could result in the delay or prevention of service of the complaint.

Defendant 1:

Wetzel, John

Name (Last, First)

Secretary of the D.O.C.

Current Job Title

1920 Technology Parkway

Current Work Address

Mechanicsburg, PA. 17050

City, County, State, Zip Code

Defendant 2:

Gorman, Mark

Name (Last, First)

Superintendent at S.C.I. Rockview

Current Job Title

Box A

Current Work Address

Bellefonte, PA. 16823

City, County, State, Zip Code

Defendant 3:

Vance, R.

Name (Last, First)

Security Captain at SCI Rockview

Current Job Title

Box A

Current Work Address

Bellefonte, PA. 16823

City, County, State, Zip Code

Defendant 4:

Roberts, ?

Name (Last, First)

Sgt. at SCZ Rockview, CB-unit

Current Job Title

Box A

Current Work Address

Bellefonte, PA. 16823

City, County, State, Zip Code

Defendant 5:

Pasquale, S

Name (Last, First)

Unit Manager at SCZ. Rockview, C-Unit

Current Job Title

Box A

Current Work Address

Bellefonte, PA. 16823

City, County, State, Zip Code

Part B. Defendants Continued:

• Defendant 6

Houser, Morris L.

Deputy Superintendent of Centralized Services at SCZ Rockview
Box A

Bellefonte, PA. 16823

• Defendant 7

Drexler, ?

Sgt. at SCZ Rockview

Box A

Bellefonte, PA. 16823

• Defendant 8

Doe, John

Head of Activities at SCZ Rockview

Box A

Bellefonte, PA. 16823

• Defendant 9

Breese, D

Acting Safety Manager at SCZ Rockview

Box A

Bellefonte, PA. 16823

• Defendant 10

Moore, Keri

Chief Grievance Officer of the D.O.C.

1920 Technology Parkway

Mechanicsburg, PA. 17050

Part B. Defendants continued.

• Defendant 11

Unknown

Correctional officers at Rockview

Box A

Bellefonte, PA. 16823

• Defendant 12

Haldeman, H.

Major of Unit Management at SCZ Rockview

Box A

Bellefonte, PA. 16823

• Defendant 13

Unknown

Employee of the Bureau of Health care Services of the DOC

1920 Technology Parkway

Mechanicsburg, PA. 17050

• Defendant 14

Ellers, Richard

CHCA at SCZ Rockview

Box A

Bellefonte, PA. 16823

• Defendant 15

Drancha, ?

Doctor at SCZ Rockview

Box A

Bellefonte, PA. 16823

Part B. Continued Defendants

- Defendant 16
Unknown
Security Lt. at SCZ Rockview
Box A
Bellefonte, PA. 16823
- Defendant 17
Unknown
Shakedown Correctional officers at Rockview
Box A
Bellefonte, PA. 16823
- Defendant 18
Paul, N
Grievance Coordinator at SCZ Rockview
Box A
Bellefonte, PA. 16823
- Defendant 19
Potts, R.
Lt. at SCZ Rockview
Box A
Bellefonte, PA. 16823
- Defendant 20
Unknown
Medical Staff member at SCZ Rockview
Box A
Bellefonte, PA. 16823

Part B. Defendants continued.

- Defendant 21

Blickle, Tabb

EDS of D.O.C. Central Region

1920 Technology Parkway

Mechanicsburg, PA. 17050

- Defendant 22

Ernst, Ethan

PA at SCZ Rockview

Box A

Bellefonte, PA. 16823

- Defendant 23

Preston, ?

Doctor / Medical Director at SCZ Rockview

Box A

Bellefonte, PA. 16823

- Defendant 24

unknown

mailroom Employee at SCZ Rockview

Box A

Bellefonte, PA. 16823

- Defendant 25

Boone, S.

Mailroom Supervisor at SCZ Rockview

Box A

Bellefonte, PA. 16823

Part B. Defendants continued:

- Defendant 26
Comings, ?
Correctional officer at SCZ Rockview on CB block
Box A
Bellefonte, PA. 16823
- Defendant 27
Dallock, ?
Correctional officer at SCZ Rockview on CB block
Box A
Bellefonte, Pa. 16823
- Defendant 28
Showers, ?
Correctional officer at SCZ Rockview on CB block
Box A
Bellefonte, Pa. 16823
- Defendant 29
Rutherford, ?
Lt. at S.C. I. Rockview
Box A
Bellefonte, PA. 16823
- Defendant 30
Miller, Timothy
CCPM / PCM at SC.I. Rockview
Box A
Bellefonte, PA. 16823

Part B, Defendants Continued:

Defendant 31

Byerlee, C

Psych at SCI Rockview

Box A

Bellefonte, PA. 16823

III. STATEMENT OF FACTS

State only the facts of your claim below. Include all the facts you consider important. Attach additional pages if needed.

A. Describe where and when the events giving rise to your claim(s) arose.

Down stairs Activities weight room during the late afternoon session, On CB Housing Unit during morning meal line, On CB Housing Unit in the morning, On CB Housing Unit in the evening and the next morning, On CB Housing unit in the

B. On what date did the events giving rise to your claim(s) occur?

1-16-19, 1-20-19, 1-20-19, 1-21-19, 1-22-19, 2-4-19, 2-6-19, 2-14-19, 6-4-19, 7-5-19, 7-12-19, 9-4-19, 9-18-19, 4-6-20, 6-24-20

C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what?)

1. On 1-16-19 I was exercising in the down stairs weight room. When I was finished working out, I returned the six 100lb. weight plates I was using to their designated storage rack. When I put the last plate on the rack, the whole rack and all the weights fell on me and fractured the fifth metatarsal of my right foot because the rack wasn't bolted to the floor like it was designed to be.

2. The acting Safety Manager, D. Breese, had the power and obligation to properly install the racks in the weight room. In his answer to my grievance, he indicated that he would "look into" securing the racks to the floor but hasn't done so.

3. On both appeals, the facility manager, Mark Gorman, and the Chief Grievance Officer, Keri Moore, were informed of the situation but choose not to fix the problem.

4. On 1-18-19, I went to sick call (medical) and had my foot x-rayed. It was confirmed that my fifth metatarsal on my right foot was fractured and I was sent out to see the Orthopedic surgeon. I was placed in a cast and issued a "non-load

Statement of Facts

Part A. continued:

morning, On CB Housing Unit in the morning, On CB Housing Unit in the morning, On CB Housing Unit in the morning, On CB Housing Unit in cell 257 in the evening, On CB Housing Unit in cell 257 in the morning, On CB Housing Unit in cell 152 in the afternoon, In Rockview mail room at an unknown time of day, On G-block in treatment room in afternoon, In G-block Cell C-11 at night

Part C continued:

bearing" order for my foot. Upon arrival to the jail, I was issued crutches by Rebecca Cox, and was sent back to my block. I resided on CB Unit, Cell 1028, bed 2 (top bunk).

5. On 1-20-19, when "diet, cone, and crutch" line was called to go eat breakfast, I attempted to travel to the chow hall on one foot (the other was in a cast), and crutches. The walkways had ice and snow on them posing obvious traction problems. Thus, making my travels perilous and would risk further injury. I turned around and went back into my Housing Unit and asked Sgt. Roberts to have my tray delivered to the block to avoid injuring myself by slipping on the ice and snow. Sgt. Roberts (who was in the company of other unknown correctional officers) told me to go get my own tray or don't eat.

6. On my grievance, Unit manager, S. Pusquale, turned a blind eye to my problem and said that I should've traveled to the culinary building myself despite the snow and ice.

7. On appeal, the Facility Manager, Mark Garman, said that there are workers that shovel and salt the walkways and I was able to go to the culinary building. The workers are let

Part C Continued:

out to shovel at the same time that I'm supposed to go to the culinary building, so the walkways were not yet treated. Mark Gorman choose to do nothing to solve the problem.

8. On final appeal, the chief grievance officer Keri Moore, said that I choose not to eat and she did nothing to help despite having the power to do so.

9. On 1-20-19, I asked Sgt. Roberts (who was in the company of other unknown correctional officers)² to go to medical due to the severe pain the crutches were causing me and because they were rubbing the skin off of my hands. He responded by saying, "If you keep asking to go to medical, I'll send you to the TBO." The TBO AKA "Suicide Watch" is a place where they take away all of your clothes, give you a blanket, and put you in a cell with a camera inside of it. He threatened to falsify a report to get me and my property removed from the block and suffer all the "Dominoe effect" inconveniences that come with it. I had to call my wife, Brenda Marinias, and have her call the jail's medical department from the outside. When she told medical what was going on, medical called my Housing Unit and ordered me to the medical building.

10. In the initial grievance response, Unit Manager, S. Pasquale, says that I wasn't denied medical services and he did nothing to correct an ongoing problem I was having with a staff member under his command.

11. On appeal, the facility manager, Mark Gorman, isn't even on topic so it's impossible for him to have even read the grievance, let alone "investigate" it.

Part C Continued.

12. On final appeal, the chief grievance officer, Kerl Moore, doesn't answer one point of my appeal and says I wasn't denied medical services.

13. On 1-20-19, medical called my housing unit and requested me to go to the medical building to be evaluated.

14. Upon evaluation, it was determined that I needed a wheelchair to ease the problems the crutches were causing me (severe pain and rubbing the skin off of my hands) and to solve the issue of traveling over ice and snow. A cane was also prescribed to help with balance. J. Carl RN was the person who prescribed the wheelchair and came to me and also called the block to have someone come and push me.

15. On 1-21-19, I was attempting to attend my "activities" pass. After I got my pass signed, my pusher was pushing me off of the block when the front door officer (unknown officer) stopped us because my pusher didn't have a pass.

16. My pusher went to Sgt. Drexler (whom was in the company of other unknown officers) to get a handwritten yellow pass to push me to my callout (this is common procedure). Sgt. Drexler refused to write my pusher a pass and also banned him from pushing me ever again.

17. I was forced to travel to and from chow, up and down steps (pulling my wheelchair up the steps behind me with my cane while hopping on one foot because the other was in a cast), and go up two additional flights of steps by myself everytime the guards called me to their "bubble." Normally a pusher would do this for the person he was pushing, but

Part C Continued:

Since I didn't have one, I had to hop (one legged) up all these steps while Correctional officers and inmates made fun of me. At that time, I was the only one in Rockview without a pusher.

18. Sgt. Roberts (whom was amongst other unknown correctional officers)³ continued the "pusher ban" on me the next day.

19. On one of my trips up the steps to the guard's "bubble," I fell and exacerbated my fractured metatarsal to where it needed several screws and a metal plate to be fixed. If I would've had a pusher, he could've went up the steps for me and avoided further injury. Since Sgt. Drexler and Sgt. Roberts prevented me from having a pusher, I had to do it myself.

20. On the initial grievance response, the Major of Unit Management, Major H. Haldeman, she says she found no evidence of further injury or that I was denied a wheelchair pusher.

21. On appeal, the facility manager, Mark Garman, failed to identify ongoing problems with Unit staff and I. He says having a wheelchair pusher is not a necessity.

22. On final appeal, the chief grievance officer, Kerri Moore, says that I wasn't denied a wheelchair pusher and found no evidence that I fell.

23. On or about 1-21-19 or 1-22-19, I went to sick call and they took X-rays of my right foot. It was confirmed that my fractured fifth metatarsal was "further displaced" and I was sent to the Orthopedic Surgeon. The Surgeon that my bone was broken so badly that it needed surgery pg 4

Part C Continued:

(Several screws and a metal plate) to be corrected.

24. On or about 2-1-19, I had surgery on my right foot where four or five screws and a metal plate was permanently attached to my fifth metatarsal.

25. On or about 2-2-19, I was sent back to my block, (CB Housing Unit, Cell 1028, bed 2 (top bunk)). After being given a medical order by Hans Reisinger allowing me to wear sweat clothes to cover the massive splint on my leg from surgery.

26. On 2-4-19, I sent my cellmate (Julius Wise) to the "bubble" to get a trash bag to cover my splint for bathing. He came back and informed me that Sgt. Roberts refused to give him a bag on my behalf.

27. I then went and spoke to Sgt. Roberts (whom was in the company of other unknown Correctional Officers)⁴ about getting a bag to cover my splint. He denied my request and told me to shower with no cover or don't shower at all.

28. I don't recall whether I bathed in my cell where I could control the flow of water better or in the actual shower on the block. In any event, the splint got wet.

29. In the initial grievance response, Unit Manager S. Pasquale, says that I was given a way to shower without getting my cast wet by using the shower with a bench. He claims that there are security reasons why trash bags are not given to inmates.

30. On appeal, the facility manager, Mark Gorman, misses the whole point of the grievance once again. He doesn't address the officer denying me a bag to cover my splint

part C Continued:

despite the obvious need for one.

31. On my final appeal, the Chief grievance officer, Keri Moore, Remanded the grievance back to the facility manager, Mark Gorman.

32. On the remanded appeal response, Mark Gorman, States all the same things but now directly addresses the grievance stating that Major Probst issued a memo stating that trash bags were not to be given to inmates unless prescribed by medical. Mark Gorman offers no proof of this memo.

33. The chief grievance officer, Keri Moore, referred the final appeal to the Bureau of Health Care Services.

34. Unknown employees of the Bureau of Health Care Services "Upheld in part and Denied in part" my final appeal. They didn't specify what they upheld and only stated that "no evidence of wrongdoing was identified."

35. Since I was forced to bathe without a cover on my splint, it got wet. I removed it for fear of infection from dirty "bathing water" and because I was taught that wet and dirty dressings on open wounds cause infection.

36. On 2-6-19, I asked Sgt. Roberts (Whom was in the company of Unknown Correctional officers)⁵ to go to medical to get a new splint because the old one got wet. He told me that he would call medical and find out.

37. Later on, I came back to the desk and Sgt. Roberts informed me that he called medical. He alleges that medical told him that I wasn't scheduled for a new splint. I then tell Sgt. Roberts that I just had surgery p56

Part C Continued:

five days ago and showed him the open wound with all the stitches. He did nothing and denied me a pass to go to medical.

38. I then called my wife, Brenda Martins, and told her what was going on. She called the jail and spoke to CHCA Richard Eilers whom was very upset about the facts that were laid out for him.

39. I was immediately called down to medical and sent out to "Ortho" for a new splint.

40. On the initial grievance response, Deputy Superintendent of Centralized Services, Morris L. Houser, says that he spoke with Unit Manager S. Pasquale. Mr. Pasquale says that the denial of trash bags and being forced to shower without a covering on my cast "may have occurred, but he also stated there was no direction given not to allow you to use a plastic bag as a cover to protect the cast." Mr. Houser also claims to have spoken with "(PA)-Ernst." And I quote, "I (Ernst) personally spoke with security staff two days ago who stated that it is never an issue to provide a plastic bag with cast or splint in place in order to shower." That quote was from 2-6-19 so Ernst spoke to security on 2-4-19.

41. Also in the PA's report was that I was sent to "Ortho" for re-casting. He noted that this was the third trip in three weeks. Houser says I wasn't denied access to medical by Sgt. Roberts because I was given treatment on the same day as the incident. He doesn't address the fact that I constantly have to get a third party (outside of the jail) involved to get necessary and immediate treatment.

Part C Continued:

42. On my appeal, the facility manager, Mark Gorman, doesn't address the denial of medical services.

43. The final appeal was referred to the Bureau of Health Care Services by the chief grievance officer Keri Moore.

44. Unknown employees of the Bureau of Health Care Services answered my appeal by saying that there was "no evidence of wrongdoing was identified."

45. On 2-14-19, I asked Sgt. Roberts (whom was in the company of other unknown correctional officers) for a trash bag to cover my cast for a shower. He responded by saying, "I'm not giving you anything." I informed him that the last time he denied me a bag and forced me to bathe without one, it resulted in a trip to the outside hospital for emergency re-casting. "I don't care," was his response.

46. Later on that morning, I overheard Sgt. Roberts making comments and making gestures (wheel chair motions) about me being a white muslim in a wheel chair.

47. In the initial grievance response, Unit Manager, S. Pasquale, contradicts himself by saying, "for security reasons" staff were directed to not give inmates bags.

48. On my appeal, the facility manager, Mark Gorman, says that, "I have more concerns for an officer issuing you multiple bags which does support contraband." He says that my complaint is not supported by evidence.

49. My final appeal was referred back to Mark Gorman.

50. The remanded appeal was "Upheld in part and Denied in part." It was upheld because "medical did not relay the

Part C Continued:

information" allowing me to use bags. Denied because, "You choose to get your cost wet," which has nothing to do with the issue that was initially grieved.

51. On my final appeal, the chief grievance officer, Keri Moore, Denies my appeal in part because there is no evidence of personal hate. My appeal was upheld because medical authorized me to use bags to cover my cost.

52. On 2-15-19, I was prescribed trash bags as needed to cover my cost for showering by PA-C Ethan Ernst.

53. On 6-4-19, I prepared a feast for the day after Ramadhan to celebrate the Islamic Holiday. I bought, paid, prepared, cooked, and served the food and drinks that fed over one hundred and twenty people on my housing unit. I fed people who were hungry no matter what their race, religion, or criminal case was because it is mandatory to give charity in Islam.

54. On 6-4-19, Sgt Roberts seen me with a bag of food while handing it to another inmate in his cell. Sgt. Roberts inquired what I was doing and I told him that I was preparing a big charity to feed all (emphasis added) the hungry people on the block. He instructed me to bring the bags to him at the "bubble" and that he was writing me up. Sgt. Roberts personally walked this misconduct to the Shift Commander and got it bumped up to a more serious "formal" hearing using his influence as a fellow staff member.

55. Inmate Darrel Holmes has resided on my block for many years and said that, "I've never seen him respond like that before."

Part C Continued:

56. I was given twenty days in the "hole," loss of job, and my custody level was raised from a two (the lowest) to a four (the highest).

57. Ultimately, my grievance was rejected because I cannot grieve DC-ADM 801 Inmate Discipline/Misconduct procedures.

58. On 7-5-19, I resided with an unknown inmate in cell 257 on CB housing unit just after I was released from the "hole." Two unknown "Shakedown" officers came into my cell and threw my property around like they were human tornadoes. In doing so, they destroyed a brand new commissary towel and damaged irreplaceable photos of my dead family members. When they were finished, they left their "contraband" trash bag (They bring a trash bag with them to throw contraband into and when they are done, they take the bag with them) in my cell to send an unspoken message that this was a punitive Shakedown that had nothing to do with finding contraband (the purpose of Shakedowns).

59. This shakedown came after the last grievance I filed (about Sgt. Roberts personally getting his misconduct aggravated to get me sent to the "hole."). That grievance was never officially addressed because it got rejected on the grounds of DOC Policy saying I cannot grieve misconducts. In this grievance, for the FIRST TIME (emphasis added) I said that "... Over-zealous..." Shakedowns will be considered retaliation on my part. Upon observation, I see that it is a common occurrence for the grievance coordinator, N. Paul, to hang-out in the guard's "bubble" and converse with them after picking up the grievances from the grievance box on the block. It is my

Part C Continued:

belief that she has been informing them of the contents of my grievances which is how they knew about "overzealous" shake downs being considered as retaliation. There are too many red flags for such timing of such a destructive shake down to be a mere coincidence.

60. In the initial grievance response, Security Captain, R. Vance, states that I cannot prove that any damage was caused by any officers and that security doesn't keep track of grievances.

61. On my appeal, I address the security captain's with proof that he lied on official documents. The facility manager, Mark Gorman, replies by saying that I can't prove anything.

62. On my final appeal, the chief grievance officer, Keri Moore, says that I don't have evidence to substantiate my claims.

63. On 7-12-19, my wife, Brenda Marinos, came to the prison to visit me. She arrived at approx. 1050 hours. After getting scanned and processed in, she was accepted as an approved visitor and began awaiting my arrival to begin our visit at 1117 hours.

64. After waiting an hour, she asks an unknown visiting room officer why I haven't arrived yet. He responded by saying, "They (block officers) cannot locate him."

65. Sensing that something was wrong, I asked the unknown Correctional officers⁷ in the "bubble" if they called me for my visit yet. I said, "She was supposed to be here an hour ago." I got a negative response. This wouldn't be the first time block officers purposely delayed calling me for a visit, but it is the most significant.

66. At 1220 hours, Unknown Correctional officers called
pg 11

Part C Continued:

me for a visit, but because lunch meal line was over, the walkways were closed to inmates until "coch cleared."

67 At approx 1330 hours, "coch cleared" and I was allowed to go to my visit. My visit was maliciously cut down from five and a half hours to only two hours.

68 During my visit, I spoke to C.D. Vgaw about these matters and he relayed all the same facts. I told him that I was in my cell the whole time (my cell was located only four cells away from the "bubble") so, these "facts" that he's saying are based on lies from the black officers.

69 In my initial grievance response, Lt. R. Potts said that the visiting room officer called the black Sgt. as soon as my wife came in and that "interrogating" officers is not my responsibility.

70. On my appeal, I said that the black Sgt. (Sgt. Bloom) was on his lunch break during this time. The visiting room officer couldn't have contacted him. Secondly, DOC Policy tells inmates to take all problems to staff for resolution before filing grievances.

71. The facility manager, Mark Garman, says that my appeal, "has no substance."

72. The chief grievance officer, Keri Moore, answers my final appeal by saying there is no evidence of retaliation.

73. On 9-4-19, I recieved a new but unknown cellmate and was ordered to sleep in the top bunk. I told the officer that I'll comply but I have hardware in my foot and it may not work out.

Part C Continued:

74. I didn't want to be a "cry baby" so I muscled through the pain to get into my bed. When I came down, the pain was so intense that it triggered an involuntary bodily response and I fell off of the top bunk. My right leg suffered an injury and started to swell from the knee down. I immediately put my shoe on my foot before my leg and foot swell to severely, otherwise, I wouldn't be able to put my foot in my shoe. I left the shoe on until I seen medical.

75. I decided to leave the black officers alone because they never send me to medical anyway. So I called my wife, Brenda Merinos, and had her relay what happened to me to the medical department. When I wasn't called to medical, I called her back and she told me that an Unknown medical staff member said that I have to put in a sick call slip.

76. I was forced to wait for the sick call person to put me on the "callout" to see medical. It took two days for me to see medical.

77. During these two days I couldn't utilize the top bunk. I was forced to stay awake or sleep on the floor because my cellmate had "bottom bunk" status.

78. When I finally did see medical, the medical personal, Ethan Ernst, took one look at my foot and sent me directly to the X-ray room. When I finally took off my shoe, my foot was swollen so badly that it looked like a detailed molding of the inside of a Reebok "classic."

79. Mr. Ernst looked at the X-rays and determined that no bones were broken and my hardware was still in place. pg 13

Part C Continued.

80. Mr. Ernst made no changes to my bedding status, didn't prescribe me any medication, and gave me no treatment at all. I was told to "order tylenol from commissary" (that takes two weeks) and then sent back to the block to the exact same situation that caused me to get hurt.

81. I wrote a request slip to medical explaining my plight and Dr. Preston responded by agreeing to the "treatment" given.

82. I wrote five letters to various staff members and mailed them certified. The letters explained my situation and basically asked them if they agreed to the "treatment." The letters were sent to: Superintendent AKA facility manager Mark Gorman, Deputy Superintendent of Centralized Services Morris L. Houser, CHCA Richard Ellers, EDS Tabb Bickle, and the Secretary of the DOC John Wetzel.

83. Deputy warden Houser responded by saying that medical concerns should be addressed to Mr. Ellers, Dr. Preston, or the PA's. He also reiterated what Dr. Preston said in his response to my request slip.

84. EDS Tabb Bickle responded via staff assistant Crystal Loy. The response said the issue wasn't his responsibility and that I should file a grievance.

85. In the initial grievance response, CHCA Richard Ellers says that my gait was normal, my foot wasn't swollen, and there was no reason to change my bedding status. He concurred with the given "treatment."

86. On appeal, the facility manager, Mark Gorman, says that adequate medical care was provided.

Part C continued:

87. My final appeal was referred to the Bureau of Health Care Services by the chief grievance officer, Keri Moore.

88. Unknown employee's of the Bureau of Health Care Services found "no evidence of wrong doing."

89. As an inadvertent consequence of filing this last grievance, I gave the block officers a way to harass me. Every cellmate that I willingly move in with was "bottom bunk" status. Meaning, they purposely put people in my cell that had "bottom bunk" status to force me to utilize the top bunk.

90. Sometime in August, my wife, Brenda Marinis, sent me a letter. After not receiving it for a long time, I wrote the mail room a request slip (on 9-18-19) inquiring about my missing mail.

91. An Unknown mail room employee at Rockview replied saying that my mail was rejected because of an incomplete return address.

92. I then wrote another request slip on 9-20-19 asking 1. why I wasn't notified of rejected mail (this is done with an "unacceptable correspondence form"), 2. How can I obtain it, and 3. the overall disposition of the missing mail.

93. An Unknown Rockview mail room employee responded by saying, "we do not have to notify you," and that my wife should contact smart communications.

94. DC-ADM 803 Section 1 part 2-A states that prohibited mail will not be delivered and the inmate will be issued a "Notification of unacceptable correspondence form" (Attachment 1-B)"

Part C Continued

95. No where in policy does it say that my wife has to contact smart communications.

96. I never got that piece of mail.

97. On the initial grievance review, mail supervisor, S. Boone, says that refused mail will be returned to sender.

98. My wife, Brenda Marinos, never got her letter back. The mailroom staff violated their own policy and lied about it.

99. On appeal, the facility manager, Mark Garman, denies me because the mail didn't meet specifications and Smart Communications holds the original. He gave me the run-around instead of fixing the problem.

100. On final appeal, the chief grievance officer, Keri Moore, doesn't fix the problem she has the power to solve. She says that the facility manager provided an adequate response. Appeal denied.

101. Since arriving in S.C.I. Rockview in 2010, I've never had a single problem with my regular mail. This tells/ confirms to me that the retaliation towards me has spread to different areas in the jail.

102. Starting in January 2020 to present day, I've been seeking help from psych staff and at every turn, I've been turned away, belittled, or issued misconduct for seeking help. I've recently refused to see any medical personnel or psych ECT or any administration out of fear of punishment or physical harm. Consequently, my mental health has deteriorated severely. The Psych, C. Byerlee, pg 16

Part C Continued:

has been the Sole Staff member from Psych to see me and "treat" me. I have PTSD, hypervigilant disorder, anxiety disorder, auditory and visual hallucinations to name a few. Instead of giving me treatment, he has done nothing at all. I'm not on a single medication now. I believe inmates and staff are trying to harm me, so I meet them with violence to protect myself.

103. On 4-6-20, I tried once more to receive help by letting a separate staff member outside of Rockview that I've had PREA violations enacted on me. Who else but Mr. Byerlee is ordered to take my report. He is the one who spun the whole conspiracy theory of me trying to get a "Z-code" (single cell). I tell him generally that I've had multiple violations against me by multiple people in multiple places over several years. Some of these violations happened in SCZ Greensburg and my county jail, as well as here at SCZ Rockview. Mr. Byerlee purposely omitted these last parts and sabotaged my report by spinning this into his theory of getting a "Z-code." This prevented me from getting help and prevented investigators from believing me and doing a thorough investigation.

104. As a result, Timothy Miller and Lt. Rutherford didn't look too hard at my investigation. It's impossible to prove an unspecific report like mine as "unfounded" (fabricated), because they never contacted my County Jail and they couldn't have contacted S.C.Z. Greensburg because it's been shut down for years. Furthermore, this isn't the first time I've had PREA related problems in this prison.

Part C Continued:

In 2016, I was removed from A-block twice by Unit manager Miller and in 2017 I had a PREA related problem with staff that outlined that inmates and staff alike harass me because they all think I'm gay.

105. On 6-24-20, Lt. Rutherford issued me a misconduct that details my PREA report. As a result of this, the misconduct (like all misconducts) was put on the DOC computer system for all C.O.'s to read. Naturally, the inmates find out as well. I have been subjected to harassment by both staff and inmates because this PREA report was made public via the misconduct on the Doc Computer. Recently, an inmate has come down to the PHU from population and told me via jailhouse sign language that people heard about the report and are waiting to harm me. The C.O.'s, Administration, and medical have put my life in danger. I haven't left my cell in months for recreation or shower because of my torment and mental illnesses. The very people that I'm supposed to inform about all of this are the ones who caused it. They broke their policy when: Security didn't interview me; a nurse didn't examine me; they didn't monitor retaliation; protecting me from physical harm that'll surely ensue if I go to population; and punishing me for making an unspecified report. My report was supposed to be confidential. Professional trust has been broken at every level and is irreparable.

106. When I try to use the PHU "law library," because of it's location, all C.O.'s, workers, inmates, counselors, ect are walking all around me. It's like I'm in a cage for everyone to yell at me and poke me with a stick.

Part C Continued:

The marks after "Unknown number of unknown Correctional officers" (I.e. 1 2 3 4 5 6 7) refer to C.O. Pollock, C.O. Showers, and C.O. Cummings. Plaintiff is unsure if they were all present for each violation but knows that they were there for most of them because they are the "Regulars" on the block. Sometimes all three together, sometimes just one or two.

There are numbers 1-7 on seven different instances named in the "Underlying Claims" as well as in "legal claims."

This explains why defendants are not specifically named because Plaintiff doesn't want to present false info.

IV. LEGAL CLAIM(S)

You are not required to make legal argument or cite any cases or statutes. However, state what constitutional rights, statutes, or laws you believe were violated by the above actions. If you intend to assert multiple claims, number and set forth each claim in separate paragraphs. Attach additional pages if needed.

Plaintiff is claiming violations of his First Amendment rights, Fifth Amendment rights, Eighth Amendment rights, and Fourteenth Amendment rights given to him under the United States Constitution.

Plaintiff reiterates paragraphs 1- from the previous section (III Statement of Facts, Part C).

The following paragraph numbers will correspond with Part C of the previous section for the purpose of stating claims for each violation. This is for the ease of understanding on such a lengthy complaint.

1. I'm claiming a violation of my Eighth Amendment rights to be free of Unsafe Conditions. The head of Activities, John Doe, failed to properly secure the weight plate storage racks to the floor, causing one to flip over on me and fracturing the fifth metatarsal on my right

V. INJURY

Describe with specificity what injury, harm, or damages you suffered because of the events described above.

A fractured fifth metatarsal, A secondary exacerbated fractured fifth metatarsal, Permanent screws and metal plate on fifth

VI. RELIEF

State exactly what you want the court to do for you. For example, you may be seeking money damages, you may want the court to order a defendant to do something or stop doing something, or you may be seeking both types of relief. If you are seeking monetary relief, state your request generally. Do not request a specific amount of money.

I am seeking nominal, compensatory, and punitive money damages. I am seeking injunctive relief in the following forms. 1. Bolt the weight plate storage racks to the floor.

Legal claims continued

foot. The acting safety manager, D. Breese, failed to oversee the proper safety precautions upon the installation of the storage racks under his direct jurisdiction.

2. I'm claiming a violation of my Eighth Amendment rights to be free from cruel and unusual punishment through Unsafe Conditions when acting safety manager, D. Breese, failed to fix the problem that he was clearly obligated to fix. I am also claiming Deliberate indifference by D. Breese for choosing to do nothing about the unsafe conditions that caused my injury and endangers others as well. I claim that this is another violation of my Eighth Amendment rights.

3. I'm claiming a violation of my Eighth Amendment rights to be free from cruel and unusual punishment through Unsafe Conditions and Deliberate indifference when the Superintendent ~~At~~ facility manager, Mark Gorman, and the chief grievance officer, Keri Moore, choose to not fix the problem with the weight racks despite having the power to do so.

5. I'm claiming a violation of my Eighth Amendment rights to be ~~through~~ free from cruel and unusual punishment through Deliberate indifference. Sgt. Roberts, and other unknown Correctional Officers who witnessed the orders of the Sgt, forced me to either hop on one foot (the other was in a non-load bearing cast) and crutches through ice and snow to get my tray or not eat at all.

6. I'm claiming a violation of my Eighth Amendment rights to be free from cruel and unusual punishment through Deliberate indifference when the Unit Manager, S. Pasquale, failed to address the misconduct of Sgt. Roberts despite having the power to do so. He made no attempt to fix my plight regarding my

Legal Claims Continued

Obvious medical need.

7. I'm claiming a violation of my Eighth Amendment rights to be free from cruel and unusual punishment through Deliberate indifference when the Superintendent AKA facility manager, Mark Garmann, choose to not fix my problem or staff's misconduct that he has the power to correct.

8. I'm claiming a violation of my Eighth Amendment rights to be free from cruel and unusual punishment through Deliberate indifference when the chief hearing examiner, Keri Moore, choose to not correct the problem or address staff misconduct.

9. I'm claiming violations of my Eighth Amendment rights to be free from cruel and unusual punishment through Deliberate indifference and for Denial or Delay of access to medical personnel because Sgt. Roberts denied my request to go to medical due to severe pain the crutches were causing me and because the crutches were rubbing the skin off of my hands. An unknown number of unknown Correctional officers² were in his presence and did nothing to report Robert's misconduct or correct it.

10. I'm claiming a violation of my Eighth Amendment rights to be free from cruel and unusual punishment through Deliberate indifference when the Unit Manager, S. Pascale, did nothing to correct staff's misconduct or to alter procedures to accommodate serious medical needs.

11. I'm claiming a violation of my Eighth Amendment rights to be free from cruel and unusual punishment through Deliberate indifference when the Superintendent AKA facility manager, Mark Garmann, failed to properly investigate staff misconduct. He showed

Legal Claims Continued.

Deliberate indifference when he didn't bother to read my original claims, to fix the problem, or address staff misconduct.

12. I'm claiming a violation of my Eighth Amendment rights to be free from cruel and unusual punishment through Deliberate indifference when the chief grievance officer, Keri Moore, choose to not address my appeal, staff misconduct, or offer a resolution to my ongoing problems.

16-17 I'm claiming violations to my Eighth Amendment rights to be free from cruel and unusual punishment through Deliberate indifference, unsafe conditions, and Grossly incompetent medical treatment; I'm also claiming a violation of my Fourteenth Amendment rights of Due process and Equal protection when Sgt. Drexler (whom was in the company of other unknown correctional officers) removed my wheelchair pusher and ~~prohibited~~ ^{prohibited} him from helping me in the future. This forced me to become a public spectacle of humiliation because I had to hop on one foot (the other was in a non-load bearing cast) up and down stairs while using my cane to pull my wheelchair behind me. I was the only one in Rockview at that time without a pusher.

18-19 I'm claiming violations of my Eighth Amendment rights to be free from cruel and unusual punishment through Deliberate indifference, unsafe conditions, and grossly incompetent medical treatment as well as a violation of my Fourteenth Amendment rights under Due process and Equal protection when Sgt. Roberts (whom was in the company of other unknown correctional officers)³ continued the "pusher ban" the next day. Because I had to traverse up and down steps on my own, I exacerbated my fractured metatarsal to the point of needing permanent hardware surgically installed in my

Legal claims continued

foot when Z inevitably fell on the steps. The unknown officers did not try to stop the mistreatment or report it.

20. I'm claiming a violation of my Eighth Amendment rights to be free from cruel and unusual punishment through Deliberate indifference when the major of unit management, Major H. Hallemann, failed to address the "campaign of harassment" from staff and did nothing to solve the problem.

21. I'm claiming a violation of my Eighth Amendment rights to be free from cruel and unusual punishment through Deliberate indifference when the Superintendent AKA facility manager, Mark Gorman, chooses not to address the problem or the "campaign of harassment."

22. I'm claiming a violation of my Eighth Amendment rights to be free from cruel and unusual punishment through Deliberate indifference when the chief grievance officer, Keri Moore, failed to address staff misconduct or the ongoing "campaign of harassment."

27. I'm claiming of my Eighth Amendment rights to be free from cruel and unusual punishment through Deliberate indifference and a violation of my Fourteenth Amendment rights to Due process and Equal protection when Sgt. Roberts denied me a bag to cover my cost for bathing purposes. Unknown Correctional Officers⁴ did nothing to stop the mistreatment or report it. To my knowledge, no other inmates had problems getting bags to cover their costs for bathing purposes.

29. I'm claiming a violation of my Eighth Amendment rights to be free from cruel and unusual punishment through Deliberate indifference when the unit manager, S. Pasquale, failed to address staff misconduct or stop the ongoing "campaign of harassment."

Legal claims continued

30. I'm claiming a violation of my Eighth Amendment rights to be free from cruel and unusual punishment through Deliberate indifference when the Superintendent AKA facility manager, Mark Gorman, failed to properly read the complaint which indicates that he doesn't care about staff's misconduct or the "campaign of harassment" against me.

32. I'm claiming a violation of my Eighth Amendment rights to be free from cruel and unusual punishment through Deliberate indifference when the Superintendent AKA facility manager Mark Gorman, once again chooses not to address staff misconduct or the ongoing "campaign of harassment" against in spite of his appeal response being remanded back down to him by the chief grievance officer, Keri Moore.

34. I'm claiming a violation of my Eighth Amendment rights to be free from cruel and unusual punishment through Deliberate indifference when my final appeal was referred to the Bureau of Health Care Services by the chief grievance officer, Keri Moore, and Unknown employees of the Bureau of Health Care Services failed to correct staff's misconduct towards an inmate with obvious medical needs.

37. I'm claiming violations of my Eighth Amendment rights to be free from cruel and unusual punishment through Deliberate indifference, Denial or Delay in access to medical personnel, and grossly incompetent medical treatment when Sgt. Roberts (whom was in the presence of other unknown correctional officers)⁵ denied my request to go to medical to get a new splint. I even showed him my bare foot with the open wound from surgery. I had

Legal Claims continued:

Surgery just five days ago at this time. The unknown officers did nothing to help me or stop the passive aggressive "campaign of harassment" against my by the Sgt.

40-41 I'm claiming a violation of my Eighth Amendment rights to be free from cruel and unusual punishment through Deliberate indifference when the Deputy Superintendent of Centralized Services, Morris L. Hauser, doesn't fix the issue at hand or address the ongoing "campaign of harassment" by staff. I'm also claiming a violation of my Fourteenth Amendment rights to due process and equal protection when the unit manager, S. Pasquale, admits to bags not being issued to me and being forced to shower with no cover on my cast when in other reports he says otherwise. It also came into the light that Security Staff said it is never an issue to issue bags to cover a cast. This contradicts S. Pasquale's other reports. CHCA, Richard Eilers, and Dr. Danchev also did nothing to correct this problem.

42. I'm claiming a violation of my Eighth Amendment rights to be free from cruel and unusual punishment through Deliberate indifference when the Superintendent AKA facility manager, Mark Gorman, failed to address the main point of the grievance (denial of medical services) and doesn't address the ongoing "campaign of harassment" by staff.

44. I'm claiming a violation of my Eighth Amendment rights to be free from cruel and unusual punishment through Deliberate indifference when unknown employees of the Bureau of Health Care Services fails to correct ongoing mistreatment by staff or make any changes that makes it easier for people

Legal Claims Continued,

with serious medical needs to get help.

45. I'm claiming violations to my Eighth Amendment rights to be free from cruel and unusual punishment through Deliberate indifference and grossly incompetent medical treatment when Sgt Roberts (whom was in the company of other unknown correctional officers)⁶ again denied my request for a bag to cover my cast even when informed that the last time he denied me, it resulted in an emergency trip to the outside hospital. The Unknown officers did nothing to help me or report the Sgt's ongoing misconduct against me. I'm also claiming a violation of my Fourteenth Amendment rights to due process and equal protection because other inmates don't have trouble getting bags to cover their casts.

47. I'm claiming a violation of my Eighth Amendment rights to be free from cruel and unusual punishment through Deliberate indifference when the unit manager, S. Pasquale, failed to fix the problem or intervene with the ongoing "campaign of harassment" against me by staff under his command. I'm also claiming a violation of my Fourteenth Amendment rights to due process and equal protection for unit manager, S. Pasquale's, retaliation against me for filing grievances on his officers and for his lying on official documents. In his response he says that bags were not issued because for "security reasons" staff were directed to not give bags to inmates. Deputy Superintendent, Morris L. Houser, previously uncovered that security gave no such order. Also 1st Amendment violation.

48. I'm claiming a violation to my Eighth Amendment rights to be free from cruel and unusual punishment through Deliberate indifference when the Superintendent AKA facility manager,

Legal Claims Continued:

Mark Garman, admits he has problems with staff giving me bags to cover my cost.

50. I'm claiming a violation of my Eighth Amendment rights to be free from cruel and unusual punishment through Deliberate indifference when, in his remanded response, the Superintendent AKA Facility manager, Mark Garman, doesn't fix my ongoing medical mistreatment by staff under his command or the "campaign of harassment." Instead, he blames me.

51. I'm claiming a violation of my Eighth Amendment rights to be free from cruel and unusual punishment through Deliberate indifference when the chief grievance officer, Keri Moore, does nothing to address the ongoing medical problems I'm having with staff or the "campaign of harassment" against me.

54. I'm claiming a violation of my Fourteenth Amendment rights to due process and equal protection when Sgt. Roberts retaliated against me by going above and beyond the normal call of duty to aggravate his misconduct (DC-141 he wrote against me) against me to ensure that I get the severest punishment possible. Other inmates that received DC-141 misconducts with the same charges were seen by the unit manager (informal hearing) and don't get "hole" time whereas I got a formal hearing and twenty days "hole" time. Also 1st Amendment violation.

58. I'm claiming a violation of my Fourteenth Amendment rights to due process and equal protection when two unknown "Shakedown" officers wantonly and maliciously destroyed my cell. In doing so, they damaged irreplaceable photos and destroyed a new commissary towel. I claim retaliation.

Legal Claims Continued:

The unknown Security Lt. is responsible for sending these officers to do this shake down upon my knowledge and belief. Also claiming a 1st Amend. violation.

59. I'm claiming a violation of my fourteenth Amendment rights to due process and equal protection when the grievance Coordinator, N. Paul, told Sgt. Roberts about my grievances before they were filed and thereby giving him ways to retaliate against me through third party officers. Also a 1st Amend. violation.

60. I'm claiming a violation of my fourteenth Amendment rights to due process and equal protection and a violation of my Eighth Amendment rights to be free from cruel and unusual punishment through Deliberate Indifference when the Security Captain, R. Vance, failed to properly investigate his officers or address the obvious evidence of retaliation against me by staff under his control. He falsified official documents and did nothing to stop the "campaign of harassment" against me by staff. Also claiming a 1st Amend. violation.

61. I'm claiming a violation of my Eighth Amendment rights to be free from cruel and unusual punishment through Deliberate Indifference and a violation of my fourteenth Amendment rights to due process and equal protection and a violation of my 1st Amend rights for retaliation when the superintendent, Mark Gorman, didn't correct staff misconduct or the "campaign of harassment" against me.

62. I'm claiming a violation of my Eighth Amendment rights to be free from cruel and unusual punishment through Deliberate Indifference and a violation of my 14th Amend. rights to due process and equal protection and a violation of my 1st Amend rights when the chief grievance officer, Keri Moore, didn't act on my behalf to stop the "campaign of harassment," and retaliation against me by Rockview staff. pg 9

Legal claims continued:

65. I'm claiming a violation of my Fourteenth Amendment rights to due process and equal protection when Unknown Correctional officers⁷ purposely delayed calling me for a visit, effectively cutting my visit to 2 hours from 5 1/2. They did out of retaliation for filing multiple grievances on fellow Staff members. Also claiming a 1st Amend. Violation.

69. I'm claiming a violation of my 14th Amendment rights and a violation of my 1st Amendment rights when Lt. R. Potts failed to correct the misconduct of the Unknown Correctional officers on my block, lied on official documents, and failed to do a full and meaningful investigation. He was deliberately indifferent.

71. I'm claiming a violation of my Fourteenth Amendment rights to due process and equal protection when the Superintendent AKA Facility Manager Mark Gorman, fails to correct Staff's misconduct so that I'm treated the same as everyone else and stopping the ongoing "campaign of harassment" against me.

72. I'm claiming a violation of my Fourteenth Amendment rights to due process and equal protection when the Chief grievance officer, Keri Moore, fails to address the ongoing "campaign of harassment" against me by by Rockview Staff.

75-76 I'm claiming violations of my Eighth Amendment rights to be free from cruel and unusual punishment through Deliberate indifference, Denial or Delay in access to medical personnel, Failure to inquire into facts necessary to make a medical judgement, grossly incompetent medical treatment, and unsafe conditions when an unknown medical staff member of Rockview made me wait for two days in my cell before seeing me after I fell out of the top bunk (I was forced to

Legal Claims Continued:

Utilize the top bunk by staff) and injured my leg causing my leg (from the knee down) to swell. The incident came from complications with having implanted hardware in my foot.

80. I'm claiming violations to my Eighth Amendment rights to be free from cruel and unusual punishment through Deliberate indifference, grossly incompetent medical treatment, and being forced to live in unsafe conditions when the medical staff member, Ethan Ernst, gave no medical treatment and sent me back to my cell with no changes to my bedding status to prevent further injury. I was sent back into the same situation that caused my injury.

82. I'm claiming violations to my Eighth Amendment rights to be free from cruel and unusual punishment through Deliberate indifference After I wrote a letter (Sent with "certified" postage) To: Superintendent Mark Garman, Deputy Superintendent of Centralized Services Morris L. Houser, CHCA Richard Eilers, EDS Tabb Bickle, and the Secretary of the DOC John Wetzel and none of them did anything to correct my bedding status to prevent further injury. Dr. Preston also failed to fix the problem after being notified via request slip.

88. I'm claiming a violation of my Eighth Amendment rights to be free from cruel and unusual punishment through Deliberate indifference when unknown employees of the Bureau of Health Care Services didn't correct my bedding status to prevent further injury.

90-96 I'm claiming a violation of my First Amendment rights against unlawful restriction of speech, my Fifth

Legal Claims continued:

Amendment rights to Due process, and my Fourteenth.

Amendment rights to Due process and equal protection when an unknown Rockview employee of the mail room rejected my mail without notifying me (a violation of DC-ADM 803 section 1, Part 2 A) or my wife, Brenda Marinos.

97. I'm claiming a violation of my First Amendment rights against unlawful restriction of speech when the mail Supervisor, S. Boone, failed to correct his staff's misconduct and didn't give me an opportunity to contest the disposition of my rejected mail thereby letting it get destroyed. I'm also claiming a violation of my Fifth Amendment rights to Due process and my Fourteenth Amendment rights to Due process and equal protection.

99. I'm claiming a violation of my First Amendment rights against unlawful restriction of speech, Fifth Amendment rights to Due process, and my Fourteenth Amendment rights to Due process and equal protection when the Superintendent AKA Facility manager, Mark Garman, failed to correct his staff's misconduct and let my mail be destroyed without giving me a chance to contest it.

100. I'm claiming a violation of my First Amendment rights against unlawful restriction of speech, my Fifth Amendment rights to Due process, and my Fourteenth Amendment rights to Due process and equal protection when the chief grievance officer, Keri Moore, did nothing to fix the problem with my rejected mail that was and still is denied to me without any chance to contest it despite having the

Legal claims continued:

power to do so.

103. I'm claiming a violation of my fourteenth Amendment rights to Due process and equal protection when C. Byerlee sabotaged my PREA report that ultimately resulted in it being made public and endangering my life.

105. I'm claiming a violation of my fourteenth Amendment rights to Due process and equal protection and I'm claiming a violation of my Eighth Amendment rights to be free from cruel and unusual punishment when Timothy Miller and Lt. Rutherford concluded that, based on information given, my PREA report was fabricated and issued me a misconduct. All misconducts are entered into the DOC computer and thus made it public to all C.O.'s. Inmates found out as well and now if I go to population, my life is in danger.

Plaintiff asks that the violations of his 1st, 5th, 6th, 8th, and 14th amendment violations be applied by the court as it sees fit because Plaintiff has no law expertise / experience and relied solely on his personal understanding of his Constitutional Rights.

The marks 1234567 after "Unknown number of unknown Correctional officers" is referring to C.O. Pollock, C.O. Shakers, and C.O. Cummings. Plaintiff is unsure of what days they were present but knows they are the "Regulars" on the block, and were present.

Injury continued:

media taser; missing mail; destroyed commissary towel; damaged photos; Public humiliation; Physical, mental, and emotional suffering; Unnecessary pain and suffering; Retaliation from all genres of staff; Threats to my life when I'm released to population

Relief continued.

2. A change in Policy mandating a wheelchair pusher for every person with a wheelchair.

3. A Change in Policy that automatically allows people with splints or casts to be issued bags as needed for bathing purposes.

4. A change in Policy that makes getting medical care swifter and easier for people with obvious and serious medical needs.

5. A Change in Policy Affording people with severe mobility problems (like crutches) to get their trays on the housing unit when weather is inclement. (snow + ice)

6. A Change in Policy that mandates body cameras for any officer entering into inmate's cells as a job. (like Sherkedown officers) (RHU officers)

7. A change in policy that mandates bottom bunk states to inmates with surgically implanted hardware in their hands, arms, torso, legs, and feet.

~~8. A change in policy that mandates bottom bunk states to inmates with surgically implanted hardware in their hands, arms, torso, legs, and feet.~~

I am seeking to be reimbursed for filing fee's, postage, copies, attorney's fee's (if applicable), and any other legal related expenses as well as any and all other relief the court deems fit and acceptable.

VII. SIGNATURE

By signing this complaint, you represent to the court that the facts alleged are true to the best of your knowledge and are supported by evidence, that those facts show a violation of law, and that you are not filing this complaint to harass another person or for any other improper purpose.

Local Rule of Court 83.18 requires *pro se* plaintiffs to keep the court informed of their current address. If your address changes while your lawsuit is being litigated, you must immediately inform the court of the change in writing. By signing and submitting the complaint form, you agree to provide the Clerk's Office with any changes to your address where case-related papers may be served, and you acknowledge that your failure to keep a current address on file with the Clerk's Office may result in dismissal of your case.

John M. Chi

Signature of Plaintiff

8-3-20

Date

Smart Communications
PA SCZ Rockview
Shawn Simms JP4037
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St. Petersburg, FL 33733

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1 of 2

Legal